IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.688 OF 1993.

Shri Shambhu Mahadev Deostan
Trust & ors. : Appellants.

versus

Shri Maruti Pandharinath
Harphale & ors. : Respondents.

Mr.V.D.Govilkar for the appellants.
Mr.Lokesh i/by G.s.Hegde for Respondent 2.
Mr.V.B.Rajure for Respondent No.1
Mr.B.R.Patil, AGP, for Respondent No.3.

CORAM : D.G.DESHPANDE,J.

DATED : 4th March 2005.

ORAL ORDER

1. Advocate for the appellants is present, so also the advocate for the respondents. Both the original respondents Shri Maruti Pandharinath Harphale and Shri Uttam Kushaba Kamathe are present in Court. At their instance the application under Section 50-A(3) of the Bombay

Public Trusts Act for modification of scheme was filed and, the impugned orders came to be passed subsequently. Now they have appeared before this Court and filed two separate affidavits, contending that their original application came to be filed because of some mis-understanding and now after considering the totality of the circumstances, they do not desire to contest the original proceedings for modification of the Scheme.

2. Since both of them were present, it was ascertained from them, as to whether the contents of the affidavits are correct, and, they affirmed that the affidavits are correct and also made same prayer orally. In view of this statement, i.e. since the original applicants who are present respondent Nos. 1 and 2 do not want to proceed further with their original application, all the orders, thereafter, passed by the respective authorities are set aside and quashed and, the original application under Section 50-A(3) stands withdrawn and disposed of. No order as to costs. In view of this, the appeal does not survive, it is disposed of.

[D.G.DESHPANDE]

04/03/2005 JUDGE.